Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN:	005-00213-5640-145
Date:	2/18/05
Time:	0555 hours
Location:	800 Building / 820 Staff Station Day Room & Hallway Ref# 5640-2005-0218-003
City or Station:	North County Correctional Facility
Bureau/Station/Facility:	Custody Division / NCCF
Admin. Investigation:	YES ☐ NO ☒
Type of Force:	Significant
Deputy Injury:	YES ☐ NO ☒
Internal Affair Notified:	YES ☒ NO ☐
Suspect Injury:	YES ☒ NO ☐ — Takedown Control Techniques / Impact Weapon
Internal Affair Roll Out:	YES ☐ NO ☒

Involved Employee

E1

Employee # [redacted] Last Name [redacted] First Name [redacted] Middle Name

Sex: ☒ Male ☐ Female | Race: H | Unit of Assignment: N.C.C.F. | Work Assignment (Unit #, Module, etc.): N.C.C.F. - Staff Station Deputy 825

Shift: ☐ EM [redacted] Day ☐ PM [redacted] Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 510 | Weight: 180

Medical Exam/Treatment ☐ | Coroner Case # | Directed Force ☐

If Admitted, Name of Hospital: | Significant Force ☐

Statement: Deputy [redacted] stated (in summary) that he was asked by Deputy [redacted] to provide back up for her as she removed inmate Linares from Dorm 823. When the inmate came out of the dorm he ignored instructions to go into the 820 Day Room and instead kept walking past the door. Deputy [redacted] took a hold of inmate Linares with both hands and directed him into the day room. As Deputy [redacted] walked out of the day room and attempted to close the door, inmate Linares forcefully pushed the door out towards him. Deputy [redacted] re-entered the day room and pushed inmate Linares back in an attempt to secure the day room. Inmate Linares continued his actions and Deputy [redacted] attempted to take him to the ground, but was unsuccessful. Linares ran away from Deputy [redacted] toward the day room door, where Deputy [redacted] and CA [redacted] were able to take him to the ground and attempt to control him. *Continued on page 4

Statement continue: ☑

E2

Employee # [redacted] Last Name [redacted] First Name [redacted] Middle Name

Sex: ☐ Male ☒ Female | Race: H | Unit of Assignment: N.C.C.F. | Work Assignment (Unit #, Module, etc.): N.C.C.F. - Saff Station Deputy 820

Shift: [redacted] EM ☐ Day ☐ PM [redacted] Regular Shift ☐ OT Shift ☐ Off Duty | Age: [redacted] | Height: 504 | Weight: 130

Medical Exam/Treatment ☐ | Coroner Case # | Directed Force ☐

If Admitted, Name of Hospital: | Significant Force ☐

Statement: Deputy [redacted] stated that inmate Linares ignored her repeated requests to get on his bunk while inside the dorm. She requested the assistance of Deputy [redacted] and together they escorted inmate Linares from the dorm. Inmate Linares was instructed to walk into the 820 Day Room, but he refused and walked past it. Deputy [redacted] grabbed the inmate and directed him to the day room. When they attempted to close the day room door, inmate Linares ran toward the door and started forcefully pushing the door outward against the deputies. They attempted to secure the door, but inmate Linares forced it open. Deputy [redacted] stepped into the day room and pushed inmate Linares backwards. Deputy [redacted] immediately put the information out on her radio.
**Continued on page 4

Statement continue: ☑

On Duty Supervisor

Emp. #	Last Name	First Name	Middle Name	Rank	Present	Witness to Incident
[redacted]	Harris	Darren	D.	Sgt.	YES ☐ NO ☒	YES ☐ NO ☒
[redacted]	Wallach	Rochelle	A.	B-1	YES ☐ NO ☒	YES ☐ NO ☒

Watch Sergeant

Emp. #	Last Name	First Name	Middle Name
[redacted]	Harley	Raymond	J.

Watch Commander

Emp. #	Last Name	First Name	Middle Name
[redacted]	Lichten	Richard	P.

Richard Lichten — Watch Commander (**Print Name**)
Watch Commander's **Signature**: [signature] Emp #: [redacted] Date: 3-16-05

Darren Harris — Supervisor Completing Form: (**Print Name**) Emp #: [redacted]
Copy Provided to Employee by: Darren Harris Emp #: 402661

Arthur Ng — Unit Commander (**Print Name**)
Unit Commander's **Signature**: [signature] Emp #: [redacted] Date: 3/22/05

DISCOVERY Use Only
FO#

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P(Rev. 7/04)

Supervisor's Report on Use of Force
INVOLVED EMPLOYEE INFORMATION

URN: 0 0 5 - 0 0 2 1 3 - 5 6 4 0 - 1 4 5

Involved Employee Continuation

E3

Employee # [redacted] Last Name [redacted] First Name [redacted] Middle Name [redacted]

Sex: ☐ Male ☒ Female | Race: B | Unit of Assignment: N.C.C.F. | Work Assignment (Unit #, Module, etc.): N.C.C.F. - Saff Station Custody Assistant 820

Shift: ☐ EM ☒ Day ☐ PM ☐ Regular Shift ☒ OT Shift ☐ Off Duty | Age: [redacted] | Height: 506 | Weight: 165

Medical Exam/Treatment ☐ | Coroner Case # | Directed Force ☐

If Admitted, Name of Hospital: | | Significant Force ☐

Statement: Custody Assistant [redacted] stated she was walking toward the 820 Staff Station when she saw Deputies [redacted] and [redacted] escorting inmate Linares toward the 820 Day Room. She saw the inmate walk past the day room door as both deputies instructed him to enter the day room. Deputy [redacted] grabbed a hold of the inmate and directed him into the day room. As they went inside the day room, she provided back up at the day room door. She saw the inmate walk toward the door as Deputy [redacted] attempted to control him and keep him from leaving the day room. Deputy [redacted] pushed the inmate back, but the inmate continued to advance on him. She attempted to close the dorm door, but inmate Linares charged at it and pushed it open, causing her to lose her grip. The suspect wedged his body between the door and the jam to keep it from closing. The inmate was able to get out of the day room and ran towards the 820 Staff Station. ***Continued on page 4

Statement continue: ☑

E4

Employee # [redacted] Last Name Cheshier First Name Casey Middle Name R.

Sex: ☒ Male ☐ Female | Race: W | Unit of Assignment: N.C.C.F. | Work Assignment (Unit #, Module, etc.): N.C.C.F. - Yard Deputy

Shift: ☐ EM ☒ Day ☐ PM ☐ Regular Shift ☒ OT Shift ☐ Off Duty | Age: [redacted] | Height: 603 | Weight: 190

Medical Exam/Treatment ☐ | Coroner Case # | Directed Force ☐

If Admitted, Name of Hospital: | | Significant Force ☒

Statement: Deputy Cheshier stated that he arrived on scene in response to the radio call for help and saw Deputy [redacted] and Custody Assistant [redacted] wrestling on the ground with inmate Linares. The suspect was kicking and resisting and [redacted] and [redacted] were trying to control him. Deputy Cheshier struck inmate Linares 3-4 times in the lower legs and feet with his flashlight in an attempt to stop his assaultive behavior. The strikes caused the inmate to immediately stop fighting and the personnel on scene were able to handcuff him. For additional details refer to Deputy Cheshier's Supplemental Report under 005-00213-5640-145 Ref# 5640-2005-0218-003.

Statement continue: ☐

E_

Employee # Last Name First Name Middle Name

Sex: ☐ Male ☐ Female | Race: | Unit of Assignment: | Work Assignment (Unit #, Module, etc.):

Shift: ☐ EM ☐ Day ☐ PM ☐ Regular Shift ☐ OT Shift ☐ Off Duty | Age: | Height: | Weight:

Medical Exam/Treatment ☐ | Coroner Case # | Directed Force ☐

If Admitted, Name of Hospital: | | Significant Force ☐

Statement:

Statement continue: ☐

Supervisor's Report on Use of Force
SUSPECT INFORMATION

URN: 0 0 5 - 0 0 2 1 3 - 5 6 4 0 - 1 4 5

Suspect Information

S 1

Last Name: Linares		First Name: Joel		Middle Name: Antonio			
AKA Last Name:		First Name:		Middle Name:			
Sex: ☒ Male ☐ Female	Race: H	Street Address: [redacted]		City: [redacted]		State & Zip Code: [redacted]	
Work Phone: [redacted]	Home Phone: [redacted]	Age: 41	Height: 600	D.O.B. 08/06/1963	Weight: 160	Armed? ☐	
Booking #: 8423511	Primary Charge Code: 647(I) PCPIB		Secondary Charge Code:			Criminal History [redacted]	

EMT in attendance? ☒ YES ☐ NO Name: Treated by Nurse Burrow Unit: N.C.C.F. Infirmary Phone #: (661)295-7810

EMT's Statement: Nurse S. Burrow #[redacted] said I/M Linares initially did not complain of any injuries. She initially treated him for visible injuries to the back of his left ankle and minor contusions on his right shoulder, chest, left ribs and lower back, right cheek and right shin. It was later determined that his right ankle was bruised and swollen. He was transferred out of the facility for x-ray. Refer to Inmate Injury Report for additional.

Hospital Admission? ☒ Rec'd Treatment At: Los Angeles County Medical Center Coroner Case #: Mental History ☐

By Doctor: Unknown Address: 1200 N. State Street Los Angeles, Ca 90033 Phone #: (323)226-4563

Doctor's Statement: Unable to obtain a statement from the treating physician at LCMC. In-custody inmate was transferred to the facility for x-ray and follow up treatment. Medical records and disposition not released. Only information released was that the inmate's right ankle was broken.

Under Influence: ☐ YES ☒ NO Substance: Photos of Suspect's Injuries ☐ YES ☒ NO

Suspect Interview

Date: 02/18/2005 Time: 0705 hours Audiotape: ☐ Videotape: ☒

Statement: Inmate Linares initially told the nursing staff that he did not have any injuries (refer to videotape #1). I (Sgt. Harris) interviewed I/M Linares (refer to videotape #2) on the date and time indicated above. He stated the following (in summary): He told me he slipped as he was walking down the stairwell in the dorm. He said he scraped his leg or foot as a result of the fall. The deputy told him to gather his property and he complied.

***Continued on page 4

Statement continue: ☑

S_

Last Name		First Name		Middle Name			
AKA Last Name		First Name		Middle Name			
Sex: ☐ Male ☐ Female	Race:	Street Address:		City:		State & Zip Code:	
Work Phone:	Home Phone:	Age:	Height:	D.O.B.	Weight:	Armed? ☐	
Booking #:	Primary Charge Code:		Secondary Charge Code:			Criminal History ☐	

EMT in attendance? ☐ YES ☐ NO Name: Unit: Phone #:

EMT's Statement:

Hospital Admission? ☐ Rec'd Treatment At: Coroner Case #: Mental History ☐

By Doctor: Address: Phone #:

Doctor's Statement:

Under Influence: ☐ YES ☐ NO Substance: Photos of Suspect's Injuries ☐ YES ☐ NO

Suspect Interview

Date: Time: Audiotape: ☐ Videotape: ☐

Statement:

Statement continue: ☐

Supervisor's Report on Use of Force

Continuation Page

Check One ☐ Employee Witness ☐ Non - Employee Witness ☒ Involved Employee ☐ Suspect ☐ Supervisor's Review ☐ Supervisor's Conclusion / Findings

Last Name	First Name	Middle Name
[redacted]	[redacted]	

*Continued from page 1
Involved Employee continuation: Deputy [redacted]#[redacted]

Linares ignored repeated verbal commands and continued violent movements with his arms and legs. Deputy [redacted] used his flashlight to pull against inmate Linares' shin in an attempt to get him to stop resisting. Additional personnel arrived and assisted in getting inmate Linares under control and handcuffed. For additional information refer to Deputy [redacted] Supplemental Report under 005-00213-5640-145 Ref# 5640-2005-0218-003.

**Continued from page 1
Involved Employee continuation: Deputy [redacted]#[redacted]

Linares ran past Deputy [redacted] toward her and CA [redacted] Together they took the inmate to the ground and a struggle ensued. The inmate continued to resist and Deputies Cheshier and [redacted] assisted in controlling the inmates lower body. After several attempts, and the assistance of the responding personnel, she and CA [redacted] were able to get inmate Linares handcuffed. For additional information refer to Deputy [redacted] Crime Report under 005-00213-5640-145 Ref# 5640-2005-0218-003.

***Continued from page 2
Involved Employee continuation: Custody Assistant [redacted]#[redacted]

[redacted] ran after him and grabbed his arm, forcing him to the ground. Once on the ground a struggle ensued and inmate Linares ignored repeated verbal commands and resisted physical efforts to restrain him. Several deputies arrived to assist and she was able to assist in handcuffing Linares. For additional information refer to Custody Assistant [redacted] Supplemental Report under 005-00213-5640-145 Ref# 5640-2005-0218-003.

Check One ☐ Employee Witness ☐ Non - Employee Witness ☐ Involved Employee ☒ Suspect ☐ Supervisor's Review ☐ Supervisor's Conclusion / Findings

Last Name	First Name	Middle Name
Linares	Joel	A.

****Continued from page 3

After retrieving his property he said he was walked to the day room by the deputy. The deputy told him to enter the day room and he admits to resisting as he was entering the day room because he was "scared." When asked if he walked out of the day room after going inside, inmate Linares said, "yes, because I was scared." He admits to resisting further by falling on the floor and stiffening his body. He claims he did not resist after that point and again stated that he did not have any other injuries. When asked if his injuries on his legs were the result of deputies hitting him or when he slipped and fell, inmate Linares did not answer clearly, but rather stated that his right knee and right ankle hurt. When I asked him a third time if he needed additional medical treatment he said he wanted to see the nurse because his ankle hurt.

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

URN: 005-00213-5640-145

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
[redacted]	Hobbs	Patrick	A.

Statement: Deputy Hobbs stated (in summary) that he responded to the radio call of a deputy involved in a fight. When he arrived he saw inmate Linares laying on his stomach and Custody Assistant [redacted] was struggling to hold his left arm. He also saw that Deputy [redacted] was holding his right arm. He saw Deputy Cheshier grab the inmate's legs and attempt to hold him still. Custody Assistant [redacted] asked for handcuffs and Deputy Hobbs ran up and provided his handcuffs to Deputy [redacted] The personnel on-scene were able to control the inmate and get him handcuffed. Deputy Hobbs assisted in escorting the inmate to the infirmary. For additional information refer to Deputy Hobbs' Supplemental Report under 005-00213-5640-145 Ref# 5640-2005-0218-003.

Statement continue: ☐

Emp. #	Last Name	First Name	Middle Name
[redacted]	Embleton	John	M.

Statement: Deputy Embleton stated (in summary) that he responded to the call of a deputy involved in a fight. When he arrived he saw Deputy [redacted] and Custody Assistant [redacted] on the ground with inmate Linares struggling to control him. He then noticed that numerous inmates in Dorm 821 were at the bars of the dorm and were being disorderly, yelling at the deputies. He turned his attention to the inmates and instructed them to return to their bunks. When he turned back to the incident he saw that inmate Linares was being helped to his feet. For additional information refer to Deputy Embleton's Supplemental Report under 005-00213-5640-145 Ref# 5640-2005-0218-003.

Statement continue: ☐

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	51	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]		[redacted]	[redacted]

Statement: (Summary from videotape #3) Inmate [redacted] stated that he saw the incident occur while he was in Dorm 821. He saw an inmate refusing to do what he was instructed to do. He also stated that he saw an officer in a white t-shirt that was "doing a little too much." He added that the officer in the white t-shirt was kicking and hitting the inmate while he was down. He could not see the race of the officer and said he would not be able to identify him again. Inmate [redacted] also said that the inmate refused to go into the day room so the deputies "took him down."

Statement continue: ☐

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]		50	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Statement: (Summary from videotape #3) Most of the interview with inmate [redacted] was inaudible due to a videotape or camera malfunction. He stated he did see the incident occur from his bunk ([redacted] in Dorm 821. I was able to contact inmate [redacted] on 03/01/2005 and re-interview him regarding the incident. He stated the following (summary form videotape #5): He saw the inmate refusing to exit his dorm. When he finally did come out of the dorm the female deputy took him to the ground near the day room. He said another female officer came to assist and 10 to 15 other deputies also came. He stated that a male officer in a white shirt was hitting the inmate with his fists and then his flashlight. He said the officer was repeatedly telling the inmate to stop resisting, but the inmate was not resisting. He said other deputies hit and kicked the inmate. He could not see what the inmate was doing. He said another officer (n.f.d.) said, "that's enough." He said he could only identify the two female officers who were initially involved.

Statement continue: ☐

Supervisor's Report on Use of Force

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Employee Witnesses (Continuation)

Emp. #	Last Name	First Name	Middle Name
[redacted]	Embleton	Jason	A.

Statement: (Summary from videotape #3) Most of the interview with inmate [redacted] was inaudible due to a videotape or camera malfunction. He stated he did see the incident occur from his bunk ([redacted] in Dorm 821. I was able to contact inmate [redacted] on 03/01/2005 and re-interview him regarding the incident. He stated the following (summary form videotape #5): He saw the inmate refusing to exit his dorm. When he finally did come out of the dorm the female deputy took him to the ground near the day room. He said another female officer came to assist and 10 to 15 other deputies also came. He stated that a male officer in a white shirt was hitting the inmate with his fists and then his flashlight. He said the officer was repeatedly telling the inmate to stop resisting, but the inmate was not resisting. He said other deputies hit and kicked the inmate. He could not see what the inmate was doing. He said another officer (n.f.d.) said, "that's enough." He said he could only identify the two female officers who were initially involved.

Statement continue: ☐

Emp. #	Last Name	First Name	Middle Name

Statement:

Statement continue: ☐

Emp. #	Last Name	First Name	Middle Name

Statement:

Statement continue: ☐

Emp. #	Last Name	First Name	Middle Name

Statement:

Statement continue: ☐

Emp. #	Last Name	First Name	Middle Name

Statement:

Statement continue: ☐

Emp. #	Last Name	First Name	Middle Name

Statement:

Statement continue: ☐

Supervisor's Report on Use of Force

URN: 005-00213-5640-145

Non-Employee Witnesses (Continuation)

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	45	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]		[redacted]	[redacted]

Statement: (Summary from videotape #3) Stated he saw a person in a white t-shirt hitting an inmate with his flashlight. He did not see the actions of the inmate and did not see what led up to the incident.

Statement continue: ☐

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	19	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]		[redacted]	[redacted]

Statement: (Summary from videotape #3) Most of the audio portion of the interview is not recognizable due to a camera or tape malfunction. Inmate stated he did not see the inmate come out of the dorm. He heard a commotion. I attempted to re-contact the inmate on 03/01/2005 to conduct another interview, but found that he had been released to state prison.

Statement continue: ☐

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	38	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Statement: (Summary from videotape #3) Stated he saw 15 deputies respond to the incident. He saw a deputy in a white t-shirt "beating" an inmate with a flashlight four times. He did not see the prior actions of the inmate or what led up to the incident.

Statement continue: ☐

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	42	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]		[redacted]	[redacted]

Statement: (Summary from videotape #3) Stated he saw the incident from his bunk, [redacted] in Dorm 821. He saw an inmate in handcuffs, but did not see what led up to that point. He continued to say that 2-5 deputies had the inmate on the ground and others came and blocked the view so he could not see. He said he saw a deputy in a white t-shirt and other deputies kick the inmate, but he did not see the actions of the inmate.

Statement continue: ☐

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	42	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Statement: (Summary from videotape #3) Stated that a female deputy was telling the inmate to "get down, get down." He saw the inmate struggling and kicking his legs to get away from the deputy. He continued to say that the female deputy was telling him to get down as he was trying to get up. Inmate [redacted] said, "the inmate was trying to hurt the lady."

Statement continue: ☐

Non-Employee Witnesses (Continuation)

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	52	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]		[redacted]	[redacted]

Statement: (Summary from videotape #3) Stated he saw the female deputy take the inmate out of the dorm. The inmate turned around and they went to the ground. He said, "he made a move and she was on his back." He saw 4-5 deputies and they were all telling him to stop resisting.

Statement continue: ☐

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	36	[redacted]

Street Address	City	Zip Code	Work Ph.	Home Ph.
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Statement: (Summary from vidoetape #4) Stated he heard deputies wrestling with someone and saw "a bunch of deputies wooping on someone." He stated he saw about 10 deputies.

Statement continue: ☐

Last Name	First Name	Middle Name	Age	D.O.B.
ADDITIONAL NON-EMPLOYEE INTERVIEWS				

Street Address	City	Zip Code	Work Ph.	Home Ph.

Statement: *** SEE ADDITIONAL NON-EMPLOYEE INTERVIEWS ON PAGE 9

Statement continue: ☐

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Statement:

Statement continue: ☐

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Work Ph.	Home Ph.

Statement:

Statement continue: ☑

Supervisor's Report on Use of Force

URN: 005-00213-5640-145

Continuation Page

Check One ☐ Employee Witness ☐ Involved Employee ☐ Supervisor's Review
☒ Non - Employee Witness ☐ Suspect ☐ Supervisor's Conclusion / Findings

Last Name	First Name	Middle Name
ADDITIONAL NON-EMPLOYEE INTERVIEWS		

The following inmates from Dorm 821 were interviewed on 02/19/2005. They all stated essentially the same thing, they either did not see or hear the incident occur, or had very little relevant information to add. Refer to inmate interviews on videotapes #3 and #4 or attached transcripts.

[redacted]

Check One ☐ Employee Witness ☐ Involved Employee ☐ Supervisor's Review
☐ Non - Employee Witness ☐ Suspect ☐ Supervisor's Conclusion / Findings

Last Name	First Name	Middle Name

Supervisor's Report on Use of Force

URN: 005-00213-5640-145

Supervisor's Review

Brief Synopsis:

Synopsis:

Inmate Linares was in Dorm 823 and was pacing around the dorm while the other inmates were sleeping. Deputy [redacted] (Primary Involved Personnel #2) instructed him to get on his bunk as count time was approaching. Inmate Linares refused and continued walking around the dorm. After instructing him several more times to get on his bunk, Deputy [redacted] told Linares to gather up his property for transfer to a diminished privilege dorm. The inmate complied and came to the door with his property. Deputy [redacted] asked Deputy [redacted] (Primary Involved Personnel #1), who was working Staff Station 825, to come over to her staff station and assist her with escorting inmate Linares from the dorm. She opened the dorm door and instructed inmate Linares to put down his property and walk to the 820 Day Room. The inmate put down his property and walked toward the day room, but passed the entrance door. Both deputies repeatedly told the inmate to go inside the day room, but he ignored their orders. Deputy [redacted] grabbed both of the inmate's arms and directed him into the day room. When they attempted to close the day room door the inmate pushed against the door preventing it from closing. Deputy [redacted] opened the door, entered the day room, and pushed inmate Linares back away from the door. Linares resisted Deputy [redacted] efforts and [redacted] attempted to take him to the ground, but was unsuccessful as the inmate pulled away and ran to the day room door. Custody Assistant [redacted] (Primary involved personnel #3), who arrived on the scene moments earlier, attempted to assist the deputies in closing the door and securing the inmate. Seeing that the situation was escalating, Deputy [redacted] put out a "deputy involved in a fight call" on her radio. They were unable to secure the inmate and he continued to resist, they took him to the ground and attempted to handcuff him while giving him verbal commands to stop resisting. Inmate Linares continued to resist their efforts by kicking his legs and attempting to get up. Senior Deputy Cheshier (Primary Involved Personnel #4) arrived in response to the request for help and immediately attempted to subdue the assaultive inmate by striking him in the legs and feet 3 to 4 times with his flashlight. Inmate Linares stopped resisting and fighting and Custody Assistant [redacted] and Deputy [redacted] were able to get him handcuffed. Numerous other personnel arrived and assisted in securing the scene and escorting inmate Linares for treatment. I arrived and ordered a video camera for a videotaped escort of inmate Linares to the infirmary. I also instructed Senior Deputy Westfall #[redacted] and Senior Deputy Wallach #[redacted] to accompany inmate Linares and the escorting deputies to the infirmary for treatment.

Training:
I recommend a facility recurrent briefing be considered for Unit Order #07-044/00 re: Handling Potentially Violant Inmates. It seems to be a growing concern that more and more deputies are removing "Potentially Violent Inmates" from the dorm without requesting backup or a supervisor.

Tactics:
Deputy [redacted] made the decision to remove inmate Linares from the dorm without a supervisor present. Even though she requested the back-up of another deputy, inmate Linares had already refused to comply with her orders, thereby making him a "potentially violent inmate" as defined in Custody Division - North County Correctional Facility Unit Order #07-044/00. This Unit Order requires that the inmate remain contained in a secured dorm until a supervisor and adequate back-up arrive. Deputy [redacted] exercised questionable and dangerous tactics and judgment by failing to immediately notify a supervisor of the impending move of a "potentially violent inmate" from the secure dorm (823) and into the 820 Day Room. There is a strong likelihood that this incident could have been avoided had a supervisor been present, or at the very least, the actions of the inmate would have been documented on videotape. The deputies also have the ability to handcuff an inmate prior to removing him from the secure dorm by utilizing the tray slot in the door of the dorm. Handcuffing inmate Linares through the tray slot prior to removing him from the dorm would have greatly reduced the likelihood that he would have the ability to resist and assault the deputies. When the incident did occur, the deputies and custody assistant on-scene attempted to contain the emergency, but failed to take action to immediately and decisively end the situation and prevent further escalation, such as the use of Freeze +P spray or impact weapons. As a result, responding Senior Deputy Cheshier had to use his flashlight as an impact weapon to quickly resolve the deteriorating situation. As is the case with any unpredictable inmate assault, the deputies had several options as to how to control and subdue the inmate. The fact that inmate was able to dictate the incident for far too long increased the likelihood of injury to deputy personnel. Once the incident did occur and escalate out of control, the deputies and custody assistant's actions should have been decisive and swift to limit this escalation. Deputy [redacted] did transmit clear radio traffic advising of the situation which resulted in a rapid and effective response.

Continued on page 11.

Attachments:

Supervisor's Review

Brief Synopsis:

Equipment:
In my opinion, this incident requires no equipment review.

Defenses/Conflicting Information:
Inmate Linares had ample opportunity to report to independent uninvolved personnel or medical staff that he was injured and how the injuries occurred, but he repeatedly failed to do so. Instead, he claimed he was not injured and later stated that the injuries he did have were caused when he slipped on the stairwell in the dorm. It wasn't until I repeatedly asked him if he had anything to add, or if he needed any medical treatment that he finally opted to be re-examined by medical personnel. He admitted to resisting the commands and physical efforts of Department personnel and refusing to go into the day room. Although he cited the fact that he was "scared" as being the reason for his resistance, at least one inmate witness stated that he "turned and made a move on the deputy." Another inmate witness stated that the female deputy was repeatedly telling the inmate to get down and when they went to the ground the inmate was struggling and kicking his legs to get away from the deputy. The same inmate witness said, "the inmate was trying to hurt the lady." According to the deputies written account of the incident inmate Linares repeatedly attempted to push his way out of the day room and get past the personnel who were attempting to control him. Inmate Linares later said the deputies hit him, but he would not tell me if his injuries were as a result of those strikes or from his described fall in the dorm.

Policy:
As outlined in tactics section, this incident requires review of Custody Division - North County Correctional Facility Unit Order #07-044/00 "Handling Potentially Violent Inmates." Specifically, Deputy [redacted] decision to remove inmate Linares from the secure dorm after he had disobeyed her direct order, is in direct violation of this policy. Further, it was discovered that after I ordered the videotaping of the escort of inmate Linares that the video camera did not contain a videotape. The tape was utilized by Sergeant Drucker for inmate interviews earlier in the evening and was never replaced by Deputy [redacted] after Sergeant Drucker instructed her that he had used the tape. Her failure to immediately replace the tape in the video camera resulted in a lapse in video coverage of the escort of inmate Linares. As stated in Unit Order #07-137/00, a blank tape will remain in each camcorder at all times. It further states that the Staff Station Deputy working the "15" and "25" staff station shall check the video equipment at the beginning of each shift and note it in the Daily Activity Log. The policy states that the cameras are only kept at the "15" and "25" staff stations which is no longer correct. Deputy [redacted] was working the 820 Staff Station. I recommend that Deputy [redacted] be given a Performance Log Entry (see attached) for her failure to abide by Unit Order #07-044/00. There is no recommendation for the video camera deficiency as the Unit Order #07-173/00 is incorrect and out of date and thereby is no longer applicable or enforceable.

Findings/Recommendations and Conclusion:
In totality, all the information reported to me by both Department personnel and independent inmate witnesses describes a confusing scene and violent altercation involving a resistive and assaultive inmate. Deputies [redacted] and [redacted] and Custody Assistant [redacted] were having a difficult time gaining control of inmate Linares and the situation, in my view, was quickly escalating and deteriorating. Inmate Linares had ample opportunity to comply with the instructions of the personnel and also could/should have submitted to being locked inside the day room. Once the incident reached a critical point where the inmate had resisted the deputies attempts to close the day room door and had now made his way out into the hallway of the facility the deputies and custody assistant had limited options and had to react to actions of the inmate. It is clear that the three personnel who were on-scene could not control or restrain inmate Linares and a request for back-up was made. When the responding deputies arrived, Deputy Cheshier made the right decision to utilize his flashlight as an impact weapon in an attempt to stop inmate Linares' assaultive behavior and end the situation.

Continued on page 12.

Attachments: (1) - Incident Report SH-R-49 005-00213-5640-145 (1) - Crime Analysis Supplemental SH-R-49B (1) Supplemental Report - URN change (1) - Inmate Assault Load Sheet (6) - Supplemental Reports from primary involved and witness personnel (1) - Inmate Injury Report (1) - Inmate Discipline Report (6) Inmate records for inmate Joel Linares Bk#8423511 (3) - Complete Dorm purges (FC05) from Dorm 821, 822 & 823 from the time the incident occurred (2) - Watch Commander's Shift Summary for EM shift 02/18/2005 and DAY shift 02/18/2005 - Continued on page 12 (bottom)

Supervisor's Review

Brief Synopsis:

There were several accounts of the incident from staff members and witness inmates. The accounts of the incident varied based primarily on vantage point, independent recollection of the incident and motivation for making a statement. Some of the inmate witnesses stated that the deputy in the white shirt (identified as Sr. Deputy Cheshier) was "doing a little bit too much" or was "beating an inmate four times with his flashlight."

Deputy Cheshier reported in his written account of the incident that he struck the inmate 3-4 times in his feet and legs with his flashlight in an attempt to stop his assaultive behavior. His report accounts for why several of the inmate witnesses stated staff members were "beating" the inmate. Several of the inmate witnesses report clearly seeing the deputy in the white t-shirt hitting and kicking the inmate, but none of them were able to see the actions of the inmate, nor accurately identify the area of the inmate's body that the deputy was striking. Also, the witness accounts varied from as little as four deputies being on the scene to as many as 15 deputies. I interviewed inmate Linares and I did not see any visual injuries indicative of a "beating." Although it is highly likely the inmate's ankle was broken as a result of Deputy Cheshier's flashlight strikes, it is also possible that he injured it prior to the incident when he slipped on the stairwell in the dorm as he stated.

After thoroughly investigating and reviewing all the facts in this incident it is my opinion that the personnel acted reasonably under the circumstances. The inmate was admittedly resistant and was exhibiting behavior that could have easily escalated and even jeopardized the security of the jail environment. The two deputies and one custody assistant who initially attempted to control inmate Linares were clearly unable to do so. Sr. Deputy Cheshier acted quickly and appropriately to stop the assault and prevent further escalation of the incident. In doing so, he limited the possibility of injury to staff members.

The written accounts of the incident provided by Department personnel outline reasonable actions to overcome the resistive/assaultive behavior of the inmate. The actions Sr. Deputy Cheshier and the other personnel on scene were within Department policy and the guidelines regarding the use of force to overcome resistance. As I outlined in my recommendation for policy review, this incident could have potentially been avoided if additional precautions were taken prior to removing the inmate from the dorm. However, once the inmate was outside the dorm and he started his resistive and assaultive behavior the actions of the Department members were reasonable and justified.

It appears the staff members involved used the amount of force necessary to control the uncooperative inmate and maintain the safety and security of the jail facility. Unless new information is revealed, I suggest a performance log entry for Deputy [redacted] and no further administrative action be taken in this matter.

Attachments: (2) - Daily In-Service sheets for EM shift 02/18/2005 and DAY shift 02/18/2005 Copy of Unit Order 07-044/00 "Handling Potentially Violent Inmates" and Unit Order 07-137/00 "Use of Building Camcorders (8) - Transcripts of: Inmate Linare's interview and inmate witnesses interviews (56) - Inmate IC01print outs for inmate witnesses (5) - Videotapes - Containing Inmate Linare's treatment and interview and inmate interviews of Dorm 821 (3) - 242 & 243(B) PC (2) - Proposed Unit Performance Log Entry

Supervisor's Report on Use of Force

Supervisor's Review

Watch Commander Conclusion / Findings / Training Recommendation:

This case involves two issues: The force itself, and the events that up to the force being used.

Once the inmate resisted and then became assaultive, force had to be used to control him. The force used was proper, including the use of the flashlight. Dep. Chesier used his flashlight as an impact weapon of necessity to stop the inmate's assaultive actions. The deputy, as trained, struck the inmate's ankle which is one of the primary striking zones. Had the inmate not fought the deputies, force would not have been used, and thus the inmates' ankle never would have been broken.

The events that led up to the force is an issue. Deputy [redacted] failed to follow policy and call for a supervisor before opening up the dorm door to have this problem inmate come out. Had she done so, the chances were great that the inmate would have been compliant. I agree with the sergeant that the deputy be counseled and that the counseling be documented in the Performance Book.

I see no need for further action.

Attachments:

Supervisor's Report on Use of Force

URN: 005-00213-5640-145

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE APPLIED

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Deputy [redacted]	E # 1	Inmate J. Linares	S # 1	CT	NN	
Deputy [redacted]	E # 1	Inmate J. Linares	S # 1	TT	NN	
Deputy [redacted]	E # 1	Inmate J. Linares	S # 1	PP	AB	CH
Deputy [redacted]	E # 1	Inamte J. Linares	S # 1	CT/FB	AB	LE
Deputy [redacted]	E # 2	Inmate J. Linares	S # 1	CT	AB	BK
Deputy [redacted]	E # 2	Inmate J. Linares	S # 1	CT	AB	SH
Deputy [redacted]	E # 2	Inmate J. Linares	S # 1	RH	NN	
Custody Assistant [redacted]	E # 3	Inmate J. Linares	S # 1	TT	NN	
Custody Assistant [redacted]	E # 3	Inmate J. Linares	S # 1	PP	NN	
Custody Assistant [redacted]	E # 3	Inmate J. Linares	S # 1	CT	NN	
Custody Assistant [redacted]	E # 3	Inamte J. Linares	S # 1	RH	NN	
Deputy C. Cheshier	E # 4	Inamte J. Linares	S # 1	FB	PW	AK
Deputy C. Cheshier	E # 4	Inamte J. Linares	S # 1	FB	FR	AK
Inmate J. Linares	S # 1	Deputy [redacted]	E # 1	UC	NN	
Inmate J. Linares	S # 1	Deputy [redacted]	E # 1	RS	NN	
Inmate J. Linares	S # 1	Deputy [redacted]	E # 1	PP	NN	
Inmate J. Linares	S # 1	Deputy [redacted]	E # 1	PK	NN	
Inmate J. Linares	S # 1	Deputy [redacted]	E # 2	UC	NN	
Inmate J. Linares	S # 1	Deputy [redacted]	E # 2	RS	NN	
Inmate J. Linares	S # 1	Deputy [redacted]	E # 2	PP	NN	
Inmate J. Linares	S # 1	Custody Assistant [redacted]	E # 3	UC	NN	
Inmate J. Linares	S # 1	Custody Assistant [redacted]	E # 3	RS	NN	
Inmate J. Linares	S # 1	Custody Assistant [redacted]	E # 3	PP	NN	
Inmate J. Linares	S # 1	Deputy C. Cheshier	E # 4	UC	NN	
Inmate J. Linares	S # 1	Deputy C. Cheshier	E # 4	RS	NN	